

106TH CONGRESS
2D SESSION

S. 2973

To amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. KERRY (for himself and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Magnuson-Stevens Act
5 Amendments of 2000”.

6 **SEC. 2. AMENDMENT OF MAGNUSON-STEVEN'S ACT.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of the Magnuson-Stevens Fish-
 4 ery Conservation and Management Act (16 U.S.C. 1801
 5 et seq.).

6 **TITLE I—FISHERY MANAGE-** 7 **MENT AND ENFORCEMENT**

8 **SEC. 101. REGIONAL FISHERY MANAGEMENT COUNCILS.**

9 Section 302 (16 U.S.C. 1852) is amended—

10 (1) by inserting “and of the commonwealths,
 11 territories, and possessions of the United States in
 12 the Caribbean Sea” in subsection (a)(1)(D) after
 13 “States”;

14 (2) by striking “Within nine months after the
 15 date of enactment of the Fishery Conservation
 16 Amendments of 1990, the” in subsection (b)(2)(A)
 17 and inserting “The”;

18 (3) by striking “Council.” in subsection
 19 (b)(2)(B) and inserting “Council, and representation
 20 of other knowledgeable individuals who are con-
 21 cerned with the conservation and management of
 22 such fisheries.”;

23 (4) by redesignating subparagraph (D) as sub-
 24 paragraph (E);

1 (5) by striking subparagraph (C) and inserting
2 the following:

3 “(C) The Secretary shall appoint the mem-
4 bers of each Council from a list of individuals
5 submitted by the Governor of each applicable
6 constituent State. A Governor may not submit
7 the names of individuals to the Secretary for
8 appointment unless the Governor has deter-
9 mined that each such individual is qualified
10 under the requirements of subparagraph (A)
11 and unless the Governor has, to the extent
12 practicable, first consulted regarding those indi-
13 viduals with representatives of the commercial,
14 recreational, and other fishing or conservation
15 interests within the State. Each such list
16 shall—

17 “(i) include the names and pertinent
18 biographical data of not less than 3 indi-
19 viduals for each applicable vacancy;

20 “(ii) be accompanied by a statement
21 by the Governor explaining how each such
22 individual meets the requirements of sub-
23 paragraph (A); and

24 “(iii) to facilitate balanced and fair
25 apportionment, include no more than 2 in-

1 dividuals that represent the same interest
2 or sector of the fishery.

3 “(D) The Secretary shall review each list
4 submitted by a Governor to ascertain if the in-
5 dividuals on the list are qualified for the va-
6 cancy on the basis of the requirements of sub-
7 paragraph (A) and the list meets the require-
8 ments of subparagraph (C). If the Secretary de-
9 termines that these requirements are not satis-
10 fied, the Secretary shall notify the appropriate
11 Governor of that determination. The Governor
12 shall then submit a revised list or resubmit the
13 original list with an additional explanation of
14 how the list meets the requirements of this sec-
15 tion. An individual is not eligible for appoint-
16 ment by the Secretary until that individual
17 complies with the applicable financial disclosure
18 requirements under subsection (k).”;

19 (6) by striking “Secretary” in subsection (d)
20 and inserting “Secretary, and each member of a sci-
21 entific and statistical committee appointed under
22 subsection (g)(1),”;

23 (7) by inserting after “plan.” in subsection
24 (g)(1) the following: “Each Council shall involve its
25 scientific and statistical committee on a continuing

1 basis in the development and amendment of its fish-
 2 ery management plan.”;

3 (8) by inserting “or disseminated by any other
 4 means that will result in wide publicity” in sub-
 5 section (i)(2)(C) after “fishery”;

6 (9) by inserting after “security,” in subsection
 7 (i)(3)(A)(ii) the following: “selection of cooperative
 8 research projects under section 408,”; and

9 (10) by inserting “or notify the public through
 10 any other means that will result in wide publicity”
 11 in subsection (i)(3)(B) after “ports”).

12 **SEC. 102. CONTENTS OF FISHERY MANAGEMENT PLANS.**

13 (a) REQUIRED PROVISIONS.—Section 303(a) (16
 14 U.S.C. 1853(a)) is amended—

15 (1) by striking “any;” in paragraph (2) and in-
 16 serting “any, and any overcapacity in the fishery de-
 17 termined to exist under section 303 (e);”;

18 (2) by inserting “and habitat areas of par-
 19 ticular concern” in paragraph (7) after “habitat”
 20 the first place it occurs;

21 (3) by inserting “giving priority consideration
 22 to habitat areas of particular concern” in paragraph
 23 (7) after “by fishing,”;

24 (4) by striking “plan;” in paragraph (8) and in-
 25 serting “plan, including a description of observer

1 coverage or any observer monitoring plans estab-
 2 lished in the fishery under section 403(g), the pur-
 3 pose and scope of the program or plan, and the data
 4 to be provided under it.”; and

5 (5) by striking “fishery;” in paragraph (10)
 6 and inserting “fishery, including the establishment
 7 of enforceable controls on fishing mortality such as
 8 a total allowable catch limit for the fishery;”.

9 (b) DISCRETIONARY PROVISIONS.—Section 303(b)
 10 (16 U.S.C. 1853(b)) is amended—

11 (1) by striking “(other than economic data)” in
 12 paragraph (7);

13 (2) by striking “and” after the semicolon in
 14 paragraph (11);

15 (3) by redesignating paragraph (12) as para-
 16 graph (13);

17 (4) inserting after paragraph (11) the following:

18 “(12) designate zones encompassing specific
 19 coral reef habitats or other habitats sensitive to dis-
 20 turbance and restrict actions of any vessel or motor-
 21 ized watercraft that would adversely affect fishery
 22 resources in those zones; and”;

23 (5) by striking “fishery.” in paragraph (13), as
 24 redesignated, and inserting “fishery, and any meas-
 25 ures to reduce or eliminate overcapacity identified

1 under section 303(e) that are necessary to prevent
 2 or end overfishing or to rebuild stocks of fish.”.

3 **SEC. 103. EXCLUSIVE QUOTA-BASED PROGRAMS.**

4 (a) IN GENERAL.—Section 303 (16 U.S.C. 1853) is
 5 amended—

6 (1) by striking subsection (b)(6) and inserting
 7 the following:

8 “(6) establish a limited access system for the
 9 fishery in order to achieve optimum yield if, in devel-
 10 oping such system, the Council and the Secretary
 11 take into account—

12 “(A) the need to meet the conservation re-
 13 quirements of this Act with respect to the fish-
 14 ery;

15 “(B) present participation in the fishery;

16 “(C) historical fishing practices in, and de-
 17 pendence on, the fishery;

18 “(D) the economics of the fishery;

19 “(E) the capability of fishing vessels used
 20 in the fishery to engage in other fisheries;

21 “(F) the cultural and social framework rel-
 22 evant to the fishery and any affected fishing
 23 communities;

24 “(G) the fair and equitable distribution of
 25 a public resource; and

1 “(H) any other relevant considerations;”;

2 (2) by striking so much of subsection (d) as
3 precedes paragraph (2) and inserting the following:

4 “(d) EXCLUSIVE QUOTA-BASED PROGRAMS.—

5 “(1)(A) In addition to the requirements of sec-
6 tion 301(a) of this Act and subsections (a)(9) and
7 (b)(6) of this section, the Councils and Secretary
8 shall ensure that any exclusive quota-based program,
9 submitted and approved—

10 “(i) considers the need to meet the
11 conservation requirements of this Act with
12 respect to the fishery, including the reduc-
13 tion of overfishing and the minimization of
14 bycatch and mortality of unavoidable by-
15 catch;

16 “(ii) establishes a fair process for eq-
17 uitable initial allocation of quota share, in-
18 cluding the establishment of an appeal
19 process for qualification and allocation de-
20 cisions;

21 “(iii) provides for effective enforce-
22 ment, management, and data collection, in-
23 cluding adequate observer coverage, of an
24 exclusive quota-based program;

1 “(iv) provides a mechanism, such as
2 fees as authorized by section 304(d)(2), in-
3 cluding the possibility of fees payable on
4 quota transfers, to recover the costs re-
5 lated to enforcement, management, and
6 data collection, including adequate observer
7 coverage, of an exclusive quota-based pro-
8 gram, if the assessment of such fees is pro-
9 portional to the amount of quota held and
10 fished by each quota holder;

11 “(v) prevents any person other than a
12 United States citizen from acquiring quota;

13 “(vi) preserves, to the extent prac-
14 ticable, the historical distribution of the
15 catch among vessel categories unless other-
16 wise necessary to achieve the conservation
17 requirements of this Act;

18 “(vii) considers the allocation of a
19 portion of the annual harvest to entry-level
20 fishermen, small vessel owners, and crew
21 members who do not otherwise hold or
22 qualify for quota shares;

23 “(viii) considers the allocation of a
24 portion of the annual harvest only to indi-

viduals that directly participate in the fishery for which the quota is issued;

“(ix) considers the effects of consolidation of quota shares and establishes any limits or measures necessary to prevent inequitable concentration of quota share or to prevent significant impacts on other fisheries or fishing communities;

“(x) considers the social and economic effects of an exclusive quota-based program on relevant fishing communities and fishing processors;

“(xi) establishes procedures and requirements for the periodic review and possible revision of an exclusive quota-based programs; and

“(xii) sets forth a comprehensive plan to rationalize the fishery, including reduction of capacity under section 312(a).”.

“(B) ESTABLISHMENT OF REVIEW COMMITTEE.—

“(i) Each Council, upon deciding to pursue an exclusive quota-based management program for a fishery, shall establish and maintain, and appoint members of, a committee to make rec-

1 ommendations for development, evaluation, and
2 necessary changes to such programs to ensure
3 that such programs meet the requirements of
4 this Act, including the conservation require-
5 ments, and intended goals for such program.

6 “(ii) Appointments to the committee estab-
7 lished under clause (i) shall be made by each
8 Council in such a manner as to provide fair rep-
9 resentation to all groups affected by such pro-
10 grams, including, but not limited to, commer-
11 cial, recreational, and subsistence fishing inter-
12 ests, processors, fishing communities, and con-
13 servation organizations, and may not include
14 persons holding exclusive fishing quotas for any
15 fishery under the Council’s jurisdiction.

16 “(iii) Each committee shall review exclu-
17 sive quota-based programs every 7 years to en-
18 sure programs continue to meet the require-
19 ments of this Act, including the conservation re-
20 quirements. Pursuant to such review, the Com-
21 mittee shall recommend that a quota be re-
22 newed, if the quota share holder is in compli-
23 ance with the requirements of the program and
24 Act, or be re-allocated through an auction pro-
25 cedure if the quota share holder is not meeting

1 such requirements. In the case of any such re-
2 allocation, preference shall be given to those
3 quota share holders that the review committee
4 determines are providing additional and sub-
5 stantial conservation benefits to the fishery, in-
6 cluding benefits relating to bycatch reduction
7 and protection of essential fish habitat. Any
8 recommendation for withdrawal or reallocation
9 of quota is subject to review under the process
10 established under subparagraph (A)(ii).

11 “(C) REFERENDUM PROCEDURE.—

12 “(i) A Council may prepare and submit a
13 fishery management plan, plan amendment, or
14 regulation that creates an exclusive quota-based
15 program only if the preparation of such plan,
16 amendment or regulation is approved in a ref-
17 erendum conducted under clause (ii).

18 “(ii) The Secretary, at the request of a
19 Council, shall conduct the referenda described
20 in clause (i). Each referendum shall be decided
21 by a three-fifths majority of the votes cast by
22 eligible permit holders. The Secretary shall de-
23 velop guidelines to determine procedures and
24 eligibility requirements for referenda and to

1 conduct such referenda in a fair and equitable
2 manner.”; and

3 (3) by striking “individual fishing quota” in
4 subsection (d)(2)(A) and (B) and inserting “exclu-
5 sive quota-based”;

6 (4) by striking “individual fishing” each place
7 it appears in subsection (d)(3) and (4) and inserting
8 “exclusive”;

9 (5) by striking “individual fishing quota” the
10 first 2 places it appears in subsection (d)(5) and in-
11 serting “exclusive quota-based”; and

12 (6) by striking “individual fishing” every other
13 place it appears in paragraph (5) and inserting “ex-
14 clusive”.

15 (b) DEFINITIONS.—Section 3 (16 U.S.C. 1802) is
16 amended—

17 (1) by striking paragraph (21); and

18 (2) by adding at the end the following:

19 “(46) The term ‘United States Citizen’ means
20 an individual who is a citizen of the United States
21 or a corporation, partnership, association, or other
22 entity that qualifies to document a fishing vessel as
23 a vessel of the United States under chapter 121 of
24 title 46, United States Code.

1 “(47) The term ‘exclusive quota-based program’
 2 means any program that requires a user to acquire
 3 a Federal permit, which specifies by a unit or units
 4 a percentage of the total allowable catch of a fishery
 5 that may be received or held for exclusive use by a
 6 person or a definable group of persons, to harvest a
 7 quantity of fish, including, but not limited to, com-
 8 munity development quota programs, fishing co-
 9 operatives, and individual fishing quotas.”.

10 (c) CONFORMING AMENDMENTS.—

11 (1) The following provisions are amended by
 12 striking “individual fishing quota” and inserting
 13 “exclusive quota-based”:

14 (A) Section 304(c)(3) (16 U.S.C.
 15 1854(c)(3)).

16 (B) Section 304(d)(2)(A)(i) (16 U.S.C.
 17 1854(d)(2)(A)(i)).

18 (C) Section 402(b)(1)(D) (16 U.S.C.
 19 1881a(b)(1)(D)).

20 (D) Section 407(a)(1)(D), (c)(1), and
 21 (c)(2)(B) (16 U.S.C. 1883(a)(1)(D), (c)(1), and
 22 (c)(2)(B)).

23 (2) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is
 24 amended by striking “individual fishing quotas,”
 25 and inserting “exclusive quotas,”.

1 **SEC. 104. ACTION BY THE SECRETARY.**

2 Section 304 (16 U.S.C. 1854) is amended—

3 (1) by inserting “and any proposed imple-
4 menting regulations prepared under section
5 303(c)(1),” in subsection (a)(1) after “plan amend-
6 ment,”;

7 (2) by redesignating subparagraphs (A) and
8 (B) of subsection (a)(1) as subparagraphs (B) and
9 (C), respectively;

10 (3) by inserting before subparagraph (B), as so
11 redesignated, of subsection (a)(1) the following:

12 “(A) immediately make a preliminary evalua-
13 tion of the management plan or amendment for pur-
14 poses of deciding if it is consistent with the national
15 standards and sufficient in scope and substance to
16 warrant review under this subsection, and

17 “(i) if that decision is affirmative, imple-
18 ment subparagraphs (B) and (C) with respect
19 to the plan or amendment; or

20 “(ii) if that decision is negative, disapprove
21 the plan or amendment and notify the Council,
22 in writing, of the disapproval and of those mat-
23 ters specified in paragraph (3)(A), (B), and (C)
24 as they relate to the plan or amendment;”;

1 (4) striking subparagraph (C), as so redesign-
2 nated, of subsection (a)(1) and inserting the fol-
3 lowing:

4 “(C) by the 15th day following the Secretary’s
5 receipt of the plan and proposed implementing regu-
6 lations, publish in the Federal Register—

7 “(i) a notice stating that the plan or
8 amendment is available and that written data,
9 views, or comments of interested persons on the
10 plan or amendment may be submitted to the
11 Secretary during the 50-day period beginning
12 on the date the notice is published; and

13 “(ii) any proposed implementing regula-
14 tions that are consistent with the fishery man-
15 agement plan or amendment, this Act, and
16 other applicable law, for a comment period of
17 50 days (incorporating any technical changes to
18 the Council’s proposed regulations the Sec-
19 retary believes to be necessary for clarity, to-
20 gether with an explanation of those changes).”;

21 (5) by striking “section 303(c),” in subsection
22 (b)(1) and inserting “section 303(c)(2),”;

23 (6) by striking “if that determination is affirm-
24 ative, the Secretary shall” in subsection (b)(1)(A)
25 and inserting “if the Secretary determines that the

1 regulations are consistent, the Secretary shall, with-
 2 in 15 days of transmittal,”;

3 (7) by striking “if that determination is nega-
 4 tive, the Secretary shall” in subsection (b)(1)(B)
 5 and inserting “if the Secretary determines that the
 6 regulations are not consistent, the Secretary shall,
 7 within 15 days of transmittal,”; and

8 (8) by striking “paragraph (1)(A).” in sub-
 9 section (b)(3) and inserting “paragraph (1)(A), and
 10 within 45 days after the end of the comment period
 11 under subsection (a)(1)(C).”.

12 **SEC. 105. ESSENTIAL FISH HABITAT.**

13 Section 305(b) (16 U.S.C. 1855(b)) is amended—

14 (1) by striking “information regarding each
 15 fishery under that Council’s authority to assist it in
 16 the identification” in paragraph (1)(B) and inserting
 17 “information on a continuing basis regarding each
 18 fishery under that Council’s authority to assist it in
 19 the identification and refinement of the description”;

20 (2) by redesignating subparagraphs (B), (C),
 21 and (D) of paragraph (1) as subparagraphs (C),
 22 (D), and (E), respectively;

23 (3) by striking paragraph (1)(A) and inserting
 24 the following:

1 “(1)(A) The Secretary shall establish by regula-
2 tion guidelines to assist the Councils in the descrip-
3 tion and identification of essential fish habitat and
4 habitat areas of particular concern in fishery man-
5 agement plans (including adverse impacts on such
6 habitat) and in consideration of actions to ensure
7 the conservation and enhancement of such habitat.
8 In determining whether a type or area of essential
9 fish habitat is a habitat area of particular concern,
10 the Councils shall consider—

11 “(i) the importance of the ecological func-
12 tion provided by the habitat;

13 “(ii) the extent to which the habitat is sen-
14 sitive to human-induced environmental degrada-
15 tion;

16 “(iii) whether, and to what extent, develop-
17 ment activities are, or will be, stressing the
18 habitat type; and

19 “(iv) the unique characteristics of the habi-
20 tat area.

21 “(B) The Secretary shall set forth a schedule
22 for the amendment of fishery management plans to
23 include the identification of essential fish habitat
24 and habitat areas of particular concern and for the
25 review and updating of such identifications based on

1 new scientific evidence or other relevant informa-
2 tion.”;

3 (4) by striking “essential fish habitat,” in sub-
4 paragraph (C) of paragraph (1), as redesignated,
5 and inserting “essential fish habitat, and habitat
6 areas of particular concern,”;

7 (5) by adding at the end of subparagraph (C)
8 of paragraph (1), as redesignated, the following:
9 “Such actions shall provide for priority identification
10 and protection of habitat areas of particular con-
11 cern, including establishment of pilot research pro-
12 grams on fishing and other impacts to habitat areas
13 of particular concern under section 404(c) or (e).”;

14 (6) by striking “habitat.” in subparagraph (D)
15 of paragraph (1), as redesignated, and inserting
16 “habitat and habitat areas of particular concern.”;

17 (7) by striking “habitat.” in subparagraph (E)
18 of paragraph (1), as redesignated, and inserting
19 “habitat and habitat areas of particular concern.”;

20 (8) by striking “habitat” in paragraph (2) and
21 inserting “habitat, including habitat areas of par-
22 ticular concern,”;

23 (9) by striking “essential fish habitat,” in para-
24 graph (3) and inserting “essential fish habitat, and
25 habitat areas of particular concern,”; and

1 (10) by striking “essential fish habitat” in
 2 paragraph (4)(A) and inserting “essential fish habi-
 3 tat, including habitat areas of particular concern,”.

4 **SEC. 106. COOPERATIVE ENFORCEMENT AGREEMENTS.**

5 Section 311 (16 U.S.C. 1861) is amended—

6 (1) by redesignating subsection (f) as sub-
 7 section (g); and

8 (2) by inserting after subsection (e) the fol-
 9 lowing:

10 “(f) COOPERATIVE ENFORCEMENT USES.—

11 “(1) IN GENERAL.—The Governor of a State
 12 represented on an Interstate Fisheries Commission
 13 may apply to the Secretary for execution of a coop-
 14 erative enforcement agreement with the Secretary
 15 that will authorize the deputization of State law en-
 16 forcement officers with marine law enforcement re-
 17 sponsibilities to perform duties of the Secretary re-
 18 lating to law enforcement provisions under this Act
 19 or any other marine resource laws enforced by the
 20 Secretary. Upon receiving an application meeting the
 21 requirements of this section, the Secretary shall
 22 enter into the cooperative enforcement agreement
 23 with the requesting State.

24 “(2) REQUIREMENTS.—Cooperative enforce-
 25 ment agreements executed under paragraph (1)—

1 “(A) shall be consistent with the purposes
2 and intent of subsection (a), to the extent appli-
3 cable to the regulated activities; and

4 “(B) may include specifications for joint
5 management responsibilities as provided by the
6 first section of Public Law 91–412 (15 U.S.C.
7 1525).

8 “(3) ALLOCATION OF FUNDS.—The Secretary
9 shall include in each cooperative enforcement agree-
10 ment an allocation of funds to assist in management
11 of the agreement. The allocation shall be equitably
12 distributed among all States participating in cooper-
13 ative enforcement agreements under this subsection,
14 based upon consideration of the specific marine con-
15 servation enforcement needs of each participating
16 State. Such agreement may provide for amounts to
17 be withheld by the Secretary for the cost of any
18 technical or other assistance provided to the State
19 by the Secretary under the agreement.”.

20 **SEC. 107. BYCATCH.**

21 (a) REPORT ON IMPLEMENTATION OF STANDARD-
22 IZED REPORTING METHODOLOGY.—The Secretary of
23 Commerce shall report to the Senate Committee on Com-
24 merce, Science, and Transportation and the House of Rep-
25 resentatives Committee on Resources within a year after

1 the date of enactment of this Act, and annually thereafter
2 for the next 5 years, on the progress made in imple-
3 menting the requirements of section 303(a)(11) of the
4 Magnuson-Stevens Fishery Conservation and Manage-
5 ment Act (16 U.S.C. 1853(a)(11)).

6 (b) BYCATCH TASK FORCE.—

7 (1) ESTABLISHMENT OF TASK FORCE ON BY-
8 CATCH.—The Secretary of Commerce shall establish
9 a task force comprised of interested parties to study
10 and report on recommendations to manage bycatch
11 (as defined in section 3(2) of the Magnuson-Stevens
12 Fishery Conservation Act (16 U.S.C. 1802(2)) and
13 unobserved fishing mortality.

14 (2) TASK FORCE MEMBERSHIP.—The task force
15 shall consist of not more than 20 individuals and in-
16 clude balanced representation from Regional Fishery
17 Management Councils established under section 302
18 of that Act (16 U.S.C. 1852), States, the commer-
19 cial and recreational fishing industries, conservation
20 organizations, and others with expertise in the man-
21 agement of marine resources.

22 (3) REPORT.—Within 1 year after the date of
23 enactment of this Act, the Secretary shall submit to
24 the Committee on Commerce, Science, and Trans-
25 portation of the Senate and the Committee on Re-

1 sources of the House of Representatives a completed
2 report of the panel established under this section
3 which shall address—

4 (A) the development and implementation of
5 a standardized system to monitor the mag-
6 nitude and character of bycatch and unobserved
7 fishing mortality in all fisheries, including rec-
8 ommendations for standardization of the collec-
9 tion of bycatch data;

10 (B) the population, ecosystem, social, and
11 economic impacts of bycatch and unobserved
12 fishing mortality, and methods to improve our
13 knowledge of such impacts;

14 (C) the ability of current conservation and
15 management measures to reduce bycatch and
16 unobserved fishing mortality, and recommenda-
17 tions for improved measures;

18 (D) the enforcement of, and compliance
19 with, measures to reduce bycatch and
20 unobserved fishing mortality, and recommenda-
21 tions to improve enforcement and compliance;

22 (E) the effectiveness of existing federal
23 partnerships with fishermen, scientists, con-
24 servationists, and other interested groups to ad-
25 dress bycatch and unobserved fishing mortality

1 issues, and recommendations to improve such
2 partnerships; and

3 (F) such other matters as the task force
4 deems appropriate.

5 (4) IMPLEMENTATION PLAN TO BE SENT TO
6 CONGRESS.—The Secretary shall provide to the Sen-
7 ate Committee on Commerce, Science, and Trans-
8 portation and the House of Representatives Com-
9 mittee on Resources an implementation plan for the
10 report’s recommendations within 6 months of the
11 date of its submission. The plan shall include an es-
12 timate of national and regional funding and other
13 resource needs, as well as recommended sources of
14 such research.

15 (5) FACA DOES NOT APPLY.—The Federal Ad-
16 visory Committee Act (5 U.S.C. App.) shall not
17 apply to the task force.

18 (c) BYCATCH INCENTIVES PROGRAM.—Title III (16
19 U.S.C. 1851 et seq.) is amended by adding at the end
20 the following:

21 **“SEC. 315. BYCATCH REDUCTION INCENTIVES.**

22 “(a) IN GENERAL.—Notwithstanding section 304(d),
23 each Council shall submit, and the Secretary may approve,
24 consistent with the provisions of this Act, a system of in-
25 centives to reduce bycatch and bycatch rates in fisheries

1 under its jurisdiction with documented and verified high
2 bycatch rates not addressed by existing management
3 measures, including—

4 “(1) a system of fines, not in excess of \$25,000
5 per vessel per season;

6 “(2) measures to incorporate bycatch into catch
7 quotas; or

8 “(3) measures to promote the use of gear or to
9 provide preferences to harvesters who adopt the use
10 of gear with verifiable and monitored low bycatch
11 rates.

12 “(b) DISPOSITION OF FINES.—Any fines collected
13 under a system established under subsection (a) shall be
14 deposited in the Fishery Observer Fund established under
15 section 403(h) for use in the fishery from which such fines
16 were derived.

17 “(c) BYCATCH ALLOCATION.—

18 “(1) IN GENERAL.—Notwithstanding section
19 303(d), and in addition to the authority provided in
20 section 303(b)(10), a Council may submit, and the
21 Secretary may approve, conservation and manage-
22 ment measures which provide allocations of bycatch
23 to individual fishing vessels as an incentive to reduce
24 per vessel bycatch and bycatch rates in a fishery if—

1 “(A) enforceable limits are placed on the
2 transfer of such allocations for monetary con-
3 sideration and the allocations are made only on
4 an annual basis;

5 “(B) any such conservation and manage-
6 ment measures meet the requirements of sec-
7 tion 303 and will result in an actual reduction
8 in bycatch in the fishery.

9 “(2) ADDITIONAL RESTRICTIONS.—A Council
10 may submit restrictions in addition to the restriction
11 imposed by paragraph (1)(A) on the transferability
12 of any such allocations, and the Secretary may ap-
13 prove such recommendation.”.

14 (d) DEFINITION OF BYCATCH.—Section 3(2) (16
15 U.S.C. 1802(2)) is amended by striking “discards.” and
16 inserting “discards, and sea birds that are caught inciden-
17 tally in a fishery in harvesting fish.”.

18 **SEC. 108. ECOSYSTEM PLANS.**

19 Title III (16 U.S.C. 1851 et seq.), as amended by
20 section 106 of this Act, is further amended by adding at
21 the end the following:

22 **“SEC. 316. FISHERY ECOSYSTEM PLANS.**

23 “(a) IN GENERAL.—Each Council shall, within 18
24 months after the date of issuance of guidelines required
25 under subsection (c), prepare and submit to the Secretary

1 a fishery ecosystem plan for a marine ecosystem under its
 2 jurisdiction. If portions of an ecosystem are within the ju-
 3 risdictions of adjacent Councils, the Councils may jointly
 4 prepare a plan for the ecosystem if both elect such eco-
 5 system for their fishery ecosystem plan. The Councils shall
 6 develop such ecosystem plans in consultation with the Sec-
 7 retary using a process consistent with the fishery manage-
 8 ment plan process under section 304.

9 “(b) PLAN REQUIREMENTS.—Each fishery ecosystem
 10 plan shall, to the extent practicable—

11 “(1) define the geographic extent of the eco-
 12 system and its connectivity to other ecosystems;

13 “(2) describe the ecosystem;

14 “(3) establish overarching ecosystem goals and
 15 objectives for the plan;

16 “(4) describe the general strategy or approach,
 17 such as the type of management measures, that will
 18 be used to achieve goals and objectives;

19 “(5) address information needs including re-
 20 porting requirements for the fishery and needs for at
 21 sea observers;

22 “(6) consider area-based fishery management,
 23 such as fishing gear restrictions in areas where es-
 24 sential fish habitat, including habitat areas of par-

1 ticular concern, is sensitive to such gear, and marine
2 protected areas;

3 “(7) identify multispecies interactions (either
4 resulting from predator-prey interactions or bycatch)
5 and how they should be taken into account in man-
6 agement of fisheries for the species involved in the
7 interactions; and

8 “(8) serve as a framework for fishery manage-
9 ment plans that apply to any of the stocks or stock
10 complexes within the geographic area of the plan.

11 “(c) GUIDELINES.—The Secretary, in consultation
12 with the Councils and scientists with expertise relevant to
13 the development of fishery ecosystem plans, shall develop
14 guidelines for the preparation of fishery ecosystem plans
15 and issue the guidelines within 18 months after the date
16 of enactment of the Magnuson-Stevens Amendments Act
17 of 2000.

18 “(d) TECHNICAL ASSISTANCE.—Prior to the develop-
19 ment of ecosystem plans, the Secretary shall provide all
20 Council members with basic instruction in ecological prin-
21 ciples to aid in the development of fishery ecosystem plans.

22 “(e) COUNCIL REPORT.—Within 9 months after the
23 date the Secretary approves an ecosystem management
24 plan submitted pursuant to subsection (a), each Council
25 shall submit to the Secretary a report describing any fish-

1 ery management plans or plan amendments required to
 2 address or otherwise conform with the applicable fishery
 3 ecosystem plan.”.

4 **SEC. 109. FISHERY MANAGEMENT PROCESS REVIEW.**

5 The National Academy of Sciences, in consultation with
 6 internationally and regionally recognized fishery experts,
 7 shall within 1 year after the date of enactment of this Act
 8 make recommendations to the Congress on legislative and
 9 other measures to improve the Federal fishery manage-
 10 ment process under the Magnuson-Stevens Fishery Con-
 11 servation and Management Act, including a review of, and
 12 recommendations for, the roles and responsibilities of the
 13 Regional Fishery Management Councils and the Secretary
 14 of Commerce for—

- 15 (1) allocation among fishery participants;
- 16 (2) design and development of fishery manage-
 17 ment alternatives;
- 18 (3) long-term planning for the biological and
 19 economic management of the fishery; and
- 20 (4) establishment of conservation objectives and
 21 biological limits for the fishery.

22 The recommendations shall specify any institutional or
 23 structural changes determined to be necessary for effective
 24 conservation and management of Federal fishery re-
 25 sources.

1 **TITLE II—FISHERIES DATA COL-**
 2 **LECTION, RESEARCH, AND AS-**
 3 **SESSMENT**

4 **SEC. 201. FISHERIES OUTREACH PROGRAM; IMPROVING**
 5 **SCIENTIFIC INFORMATION.**

6 (a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.),
 7 as amended by section 107 of this Act, is further amended
 8 by adding at the end the following:

9 **“SEC. 317. REGIONAL FISHERIES OUTREACH; SCIENTIFIC**
 10 **INFORMATION.**

11 “(a) IN GENERAL.—The Secretary shall establish a
 12 regional fisheries outreach program within the Fisheries
 13 Service to foster understanding and practical use of knowl-
 14 edge and technical expertise relevant to living marine re-
 15 sources. In establishing the program, the Secretary shall,
 16 in cooperation with the National Sea Grant College Pro-
 17 gram and the Regional Fishery Management Councils, de-
 18 velop a comprehensive effort to improve communication,
 19 education, and outreach to fishing communities, the fish-
 20 ing industry, the conservation community and interested
 21 members of the public at the regional, state, and local lev-
 22 els.

23 “(b) PROGRAM ELEMENTS.—The program shall—

24 “(1) establish a program of demonstrations,
 25 workshops, townhall and industry and other non-sci-

1 entific meetings for public understanding of Fish-
2 eries Service research, technology, or other informa-
3 tion relating to the conservation and management of
4 fishery and other living marine resources;

5 “(2) establish outreach programs and proce-
6 dures designed to improve the transparency and ac-
7 cessibility of fishery stock assessments to the public,
8 including dissemination of explanatory materials
9 through the Internet;

10 “(3) provide periodic training of Council mem-
11 bers, staff, and advisory committee members on im-
12 plementation of National Standards 1 and 8 and the
13 requirements of National Environmental Protection
14 Act and chapter 6 of title 5, United States Code;

15 “(4) identify, with the fishing industry, methods
16 of improving collection, quality, and reporting of
17 fishery dependent data;

18 “(5) study the response of the regulated indus-
19 try to fishery management regulations and develop
20 management approaches that consider such behav-
21 ior;

22 “(6) foster communications and technology-
23 transfer programs among regions to improve fish
24 conservation and management;

1 “(7) establish means of communicating infor-
2 mation to the general public in an accessible and un-
3 derstandable form (including web-based communica-
4 tions); and

5 “(8) develop partnerships with other agencies,
6 academic institutions, and other entities to meet the
7 purposes of this section.

8 “(c) 7-YEAR REVIEW OF DATA COLLECTION AND AS-
9 SESSMENT METHODS.—The Secretary shall, commencing
10 180 days after the date of enactment of the Magnuson-
11 Stevens Act Amendments of 2000 and annually every 7
12 years thereafter, conduct an independent peer review of
13 fishery management methods under this Act, including—

14 “(1) survey sampling methods (including gear)
15 used in the collection of fishery and fishery-inde-
16 pendent data;

17 “(2) stock assessment procedures;

18 “(3) risk assessment and management strate-
19 gies; and

20 “(4) an evaluation of the need to develop new
21 assessment, survey, and collection techniques de-
22 signed to accommodate incomplete or variable data
23 or to evaluate or forecast effects of environmental
24 fluctuations on fisheries.

25 “(d) CENTER FOR INDEPENDENT PEER REVIEW.—

1 “(1) ESTABLISHMENT.—The Secretary shall es-
2 tablish a Center for Independent Peer Review pro-
3 gram, to be administered under contract by a quali-
4 fied and independent third party, to identify and
5 provide independent peer review experts for reviews
6 of fishery science and management measures.

7 “(2) PURPOSE.—The Center shall provide peer
8 reviewers upon request as determined by the Sec-
9 retary.

10 “(3) CONFLICT-OF-INTEREST REQUIRE-
11 MENTS.—The Secretary shall establish appropriate
12 conflict-of-interest disclosure requirements for par-
13 ticipation in the program to ensure independent and
14 unbiased reviews. In order to be a participant in the
15 program, an individual shall meet the conflict of in-
16 terest disclosure requirements established by the
17 Secretary for the program.

18 “(4) COMPENSATION; REIMBURSEMENT OF
19 COSTS.—Reviewers provided by the Center shall be
20 compensated at a rate determined by the Center who
21 are not otherwise officers or employees of the United
22 States may be compensated at a rate determined by
23 the Center.

1 “(5) FACA DOES NOT APPLY.—The Federal
2 Advisory Committee Act shall not apply to the re-
3 views under this subsection.

4 “(e) COOPERATIVE MARINE EDUCATION AND RE-
5 SEARCH.—For the purpose of developing adequate, coordi-
6 nated, cooperative research and training programs for liv-
7 ing marine resources, the Secretary may establish a Coop-
8 erative Marine Education and Research Program. Under
9 this program the Secretary is authorized to enter into co-
10 operative agreements with universities and institutions of
11 higher learning in order to conduct basic research in areas
12 that support conservation and management of living ma-
13 rine resources. Research conducted under this program
14 may include biological research concerning the abundance
15 and life history parameters of stocks of fish, the inter-
16 dependence of fisheries or stocks of fish and other eco-
17 system components, and the linkages between fish habitat
18 and fish production or abundance.”.

19 **SEC. 202. SOCIOECONOMIC INFORMATION COLLECTION.**

20 Section 402 (16 U.S.C. 1881a) is amended—

21 (1) by striking “(other than information that
22 would disclose proprietary or confidential commercial
23 or financial information regarding fishing operations
24 or fish processing operations)” each place it appears
25 in subsection (a);

1 (2) by striking “under this Act shall be con-
 2 fidential and shall not be disclosed,” in subsection
 3 (b)(1) and inserting “under this Act, and that would
 4 disclose proprietary or confidential commercial or fi-
 5 nancial information regarding fishing operations or
 6 fish processing operations, shall be kept confidential
 7 and not disclosed for a period of 10 years following
 8 the year of submission to the Secretary,”; and

9 (3) by striking “under this Act,” in subsection
 10 (b)(2) and inserting “under this Act, and that would
 11 disclose proprietary or confidential commercial or fi-
 12 nancial information regarding fishing operations or
 13 fish processing operations,”.

14 **SEC. 203. NATIONAL OBSERVER PROGRAM.**

15 Section 403 (16 U.S.C. 1881b) is amended—

16 (1) by redesignating subsections (a), (b), and
 17 (c) as subsections (c), (d), and (e), respectively;

18 (2) by inserting before subsection (c), as redes-
 19 ignated, the following:

20 “(a) NATIONAL OBSERVER PROGRAM.—Within 1
 21 year after the date of enactment of the Magnuson-Stevens
 22 Act Amendments of 2000 the Secretary shall establish a
 23 National Observer Program to administer the Secretary’s
 24 responsibilities under this section and to provide technical

1 assistance to the fishery management councils under sub-
 2 section (g).

3 “(b) QUALIFICATIONS OF OBSERVERS.—The Sec-
 4 retary shall develop guidelines for minimum qualifications
 5 that observers must meet before being hired by the Sec-
 6 retary or by any observer service provider.”; and

7 (3) by adding at the end the following:

8 “(f) ADEQUACY OF COVERAGE AND PARTICIPA-
 9 TION.—The Secretary shall evaluate levels of observer cov-
 10 erage and means of increasing the effectiveness of observ-
 11 ers and deployment design. The Secretary shall establish,
 12 in consultation with the Councils, means of encouraging
 13 representative participation of fishing vessels in observer
 14 programs, including allowance of additional catch to ves-
 15 sels carrying observers for the cost of carrying such ob-
 16 servers.

17 “(g) OBSERVER MONITORING PLANS.—

18 “(1) IN GENERAL.—Each Council may prepare,
 19 in consultation with the Secretary, or the Secretary
 20 may prepare, a fishery monitoring plan for any fish-
 21 ery managed under laws administered by the Sec-
 22 retary of Commerce that—

23 “(A) requires 1 or more observers to be
 24 stationed, in accordance with the guidelines for
 25 placement of observers developed under this

1 section or section 303(b)(8), on fishing vessels
2 engaged in catching, taking, or harvesting fish
3 and on United States fish processors fishing
4 for, or processing, species managed under laws
5 administered by the Secretary of Commerce for
6 the purpose of collecting data necessary for the
7 conservation, management, and scientific under-
8 standing of any fishery managed under laws ad-
9 ministered by the Secretary;

10 “(B) is reasonably calculated—

11 “(i) to gather reliable data, by sta-
12 tioning observers on all, or a statistically
13 reliable sample of, the fishing vessels and
14 United States fish processors included in
15 the plan, necessary for the conservation,
16 management, and scientific understanding
17 of the fisheries covered by the plan;

18 “(ii) to be fair and equitable to all
19 vessels and processors;

20 “(iii) to be consistent with applicable
21 provisions of law; and

22 “(iv) to take into consideration the
23 operating requirements of the fisheries and
24 the safety of observers and fishermen; and

1 “(C) establishes a funding mechanism,
2 whether a system of fees or other cost recovery
3 mechanism, that cover the cost of a monitoring
4 plan.

5 “(2) PLAN REQUIREMENTS.—A monitoring
6 plan prepared under this subsection shall—

7 “(A) provide that the funds collected under
8 this section will not exceed the sum of the costs
9 of establishing and maintaining the observer
10 programs, stationing observers on board the
11 vessels and processors, and of processing and
12 evaluating the collected data reduced by any
13 amount received for such purposes from an-
14 other source or from an existing surplus in the
15 Fishery Observer Fund established by sub-
16 section (h);

17 “(B) provide a means of determining
18 whether all participants in the fishery are being
19 treated fairly and equitably;

20 “(C) not be used to offset amounts author-
21 ized under other provisions of law;

22 “(D) provide for assessments against all
23 fishing vessels and United States fish proc-
24 essors participating in the fishery for which the

1 plan was developed, including those not re-
2 quired to carry an observer under the plan;

3 “(E) provide that funds collected will be
4 deposited in the Fishery Observer Fund estab-
5 lished by subsection (h);

6 “(F) provide that funds collected will be
7 used only to implement and evaluate the moni-
8 toring plan for the fisheries from which the
9 funds were collected, except that up to 5 per-
10 cent of the amounts deposited in the Fund may
11 be used by the Secretary to support national or
12 multi-region observer program activities;

13 “(G) exclude contractual agreements made
14 directly between a fishing vessel and any non-
15 government, for-profit observer provider com-
16 pany; and

17 “(H) meet the requirements of section
18 9701(b) of title 31, United States Code.

19 “(3) GIFTS, ETC.—The Secretary may solicit,
20 accept, receive, hold, administer, and use gifts, de-
21 vises, and bequests for the purpose of carrying out
22 this section.

23 “(h) FISHERY OBSERVER FUND.—There is estab-
24 lished in the Treasury a Fishery Observer Fund, within
25 which there is a separate subaccount for each of the 8

1 regions for which Fishery Management Councils are estab-
 2 lished by section 302(a). The Fund shall be available,
 3 without appropriation or fiscal year limitation, to the Sec-
 4 retary for the purpose of carrying out the provisions of
 5 subsection (g). The Fund shall consist of all monies depos-
 6 ited into it in accordance with this section, section
 7 315(b)(a), and any amounts appropriated for the purpose
 8 of this section. To the extent that an amount is attrib-
 9 utable to one of the 8 regions, it shall be credited to the
 10 subaccount for that region. Sums not currently needed for
 11 the purposes of this section shall be kept on deposit or
 12 invested in obligations of, or guaranteed by, the United
 13 States.”.

14 (c) CONFORMING AMENDMENT.—Section 313(d) (16
 15 U.S.C. 1862(d)) is amended by adding at the end the fol-
 16 lowing: “After the date of enactment of the Magnuson-
 17 Stevens Act Amendments of 2000—

18 “(1) the Fund established by this subsection
 19 shall be converted to a subaccount of the Fishery
 20 Observer Fund established by section 403(h) of this
 21 Act; and

22 “(2) any reference in this section, or any other
 23 law, regulation, or document, to the North Pacific
 24 Fishery Observer Fund is deemed to be a reference
 25 to the subaccount described in paragraph (1).”.

1 **SEC. 204. FISHERIES RESEARCH.**

2 (a) COOPERATIVE RESEARCH AND MANAGEMENT
3 PROGRAM.—Title IV (16 U.S.C. 1881 et seq.) is amended
4 by adding at the end the following:

5 **“SEC. 408. COOPERATIVE RESEARCH AND MANAGEMENT**
6 **PROGRAM.**

7 “(a) IN GENERAL.—The Secretary, in consultation
8 with the Councils, shall establish a national cooperative
9 research and management program to address needs iden-
10 tified under section 404(b) and section 303(a)(8). The
11 program shall make funds available for cooperative re-
12 search and management activities that are developed
13 through partnerships among Federal and State managers
14 and scientists, fishing industry participants, and edu-
15 cational institutions.

16 “(b) ELIGIBLE PROJECTS.—The Secretary shall
17 make funds available under the program for the support
18 of projects to address critical needs identified by the Sec-
19 retary in consultation with the Councils that pertain to
20 the collection and analysis of fishery data and information,
21 including data on landings, fishing effort, life history pa-
22 rameters, biology, habitat, economics and social sciences,
23 including those information needs identified pursuant to
24 section 401 or the development of measures to promote
25 innovative or cooperative management of fisheries. In

1 making funds available the Secretary shall give priority
 2 to the following projects:

3 “(1) Projects to assess the amount and type of
 4 bycatch occurring in a fishery.

5 “(2) Conservation engineering projects designed
 6 to reduce bycatch, minimize mortality of bycatch, or
 7 minimize fishery impacts on essential fish habitat.

8 “(3) Projects for the identification, conserva-
 9 tion, or restoration of essential fish habitats or habi-
 10 tat areas of particular concern.

11 “(4) Projects designed to identify ecosystem ef-
 12 fects of fishing, to monitor marine ecosystem trends
 13 and dynamics, or to link climate forecasts to stock
 14 assessments or otherwise explore ecosystem-based
 15 approaches to governance.

16 “(5) Projects designed to collect and compile
 17 economic and social data, including data to evaluate
 18 the long-term impact of conservation and manage-
 19 ment measures on fishing communities and data to
 20 evaluate economic motivation of harvesters.

21 “(c) SELECTION OF PROJECTS.—Each research
 22 project shall be awarded by the Secretary on a competitive
 23 basis under procedures established by the Secretary in
 24 consultation with the Councils. To the extent practicable,
 25 the projects selected should collectively conform to a co-

1 herent program of research leading to solving priority pro-
 2 grams. Each Council shall establish a research steering
 3 committee to carry out this section.

4 “(d) EXPERIMENTAL PERMITTING PROCESS.—The
 5 Secretary, in consultation with the Councils, shall estab-
 6 lish an expedited permitting process for projects approved
 7 under this section.

8 “(e) GUIDELINES.—The Secretary, in consultation
 9 with the appropriate Council, shall establish guidelines to
 10 ensure that participation in a research project funded
 11 under this section does not result in loss of a participant’s
 12 catch history or unexpended days-at-sea as part of a lim-
 13 ited entry system.”.

14 (b) RESEARCH PRIORITIES.—Section 404(b) (16
 15 U.S.C. 1881c(b)) is amended—

16 (1) by striking “testing;” in paragraph (3) and
 17 inserting “testing and identification of research pri-
 18 orities;”

19 (2) by redesignating paragraphs (4) and (5) as
 20 paragraphs (5) and (6), respectively; and

21 (3) by inserting after paragraph (3) the fol-
 22 lowing:

23 “(4) identify funding requirements for such re-
 24 search;”.

1 **SEC. 205. DATA PROTOCOLS AND COMPATIBILITY.**

2 Section 401 (16 U.S.C. 1881) is amended by adding
3 at the end the following:

4 “(h) DATA PROTOCOLS AND COMPATIBILITY.—As
5 part of the fishery information system developed under
6 subsection (c), the Secretary shall, in consultation with the
7 Councils—

8 “(1) develop and publish a standardized data
9 collection protocol and required data elements for
10 commercial fisheries data nationwide; and

11 “(2) ensure compatibility of fishery data with
12 data from other sources, particularly, data that may
13 be used in ecosystem management of fisheries or
14 identification of essential fish habitat.”.

15 **SEC. 206. ACQUISITION OF FISHERY SURVEY VESSELS.**

16 (a) IN GENERAL.—The Secretary of Commerce, sub-
17 ject to the availability of appropriations, may in accord-
18 ance with this section acquire, by purchase, lease, lease-
19 purchase, or charter, and equip up to six fishery survey
20 vessels in accordance with this section.

21 (b) VESSEL REQUIREMENTS.—Any vessel acquired
22 and equipped under this section must—

23 (1) be capable of—

24 (A) staying at sea continuously for at least
25 30 days;

1 (B) conducting fishery population surveys
 2 using hydroacoustic, longlining, deep water, and
 3 pelagic trawls, and other necessary survey tech-
 4 niques; and

5 (C) conducting other work necessary to
 6 provide fishery managers with the accurate and
 7 timely data needed to prepare and implement
 8 fishery management plans; and

9 (2) have a hull that meets the International
 10 Council for Exploration of the Sea standard regard-
 11 ing acoustic quietness.

12 **TITLE III—CAPACITY** 13 **REDUCTION**

14 **SEC. 301. CAPACITY REDUCTION.**

15 (a) IN GENERAL.—Section 303 (16 U.S.C. 1853) is
 16 amended by adding at the end the following:

17 “(e) CAPACITY REDUCTION.—Within 1 year after the
 18 date of enactment of the Magnuson-Stevens Act Amend-
 19 ments of 2000 the National Marine Fisheries Service, in
 20 consultation with each fishery management Council, shall
 21 evaluate and identify the extent of overcapacity in each
 22 commercial fishery designated as overfished or approach-
 23 ing the condition of being overfished under section 404(e),
 24 and specify measures taken or required to be taken to re-
 25 duce or eliminate such overcapacity or economic depend-

1 ence on the fishery, including measures taken under sec-
 2 tion 312. Information developed under this subsection
 3 shall be identified and considered in the fishery impact
 4 statement submitted for each fishery management plan
 5 under section 303(a)(9). Measures used to determine over-
 6 capacity under this subsection shall be based on the rec-
 7 ommendations of the Study on Federal Investment under
 8 section 116(b) of the Sustainable Fisheries Act (16 U.S.C.
 9 1861a nt.).”.

10 (b) LATENT CAPACITY.—Section 312(b)(1)(B)(i) (16
 11 U.S.C. 312(b)(1)(B)(i)) is amended by inserting “identify
 12 and address latent capacity and” after “will”.

13 (c) AMENDMENTS OF MERCHANT MARINE ACT,
 14 1936.—

15 (1) FISHERY FINANCE PROGRAM AMEND-
 16 MENT.—Section 1104A(a)(7) of the Merchant Ma-
 17 rine Act, 1936 (46 U.S.C. App. 1274(a)(7)) is
 18 amended by striking “(16 U.S.C. 1853(d)(4)).” and
 19 inserting “(16 U.S.C. 1853(d)(4)), or for activities
 20 that assist in the transition to reduced fleets, or for
 21 technologies or upgrades designed to improve collec-
 22 tion and reporting of fishery-dependent data, to re-
 23 duce bycatch, to improve selectivity or reduce ad-
 24 verse impacts of fishing gear, or to increase vessel
 25 safety.”.

1 (2) EXPANSION OF PURPOSES FOR QUALIFIED
2 WITHDRAWALS.—Section 607(f)(1) of the Merchant
3 Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is
4 amended—

5 (A) by striking “for:” and inserting
6 “for—”;

7 (B) by striking “vessel,” in subparagraph
8 (A) and inserting “vessel;”;

9 (C) by striking “vessel, or” in subpara-
10 graph (B) and inserting “vessel;”;

11 (D) by striking “vessel.” in subparagraph
12 (C) and inserting “vessel;”;

13 (E) by inserting after subparagraph (C)
14 the following:

15 “(D) in the case of any person for whose
16 benefit the fund was established and who par-
17 ticipates in the fishing capacity reduction pro-
18 gram under section 312 of the Magnuson-Ste-
19 vens Fishery Conservation and Management
20 Act (16 U.S.C. 1861a)—

21 “(i) if such person remains in the
22 fishery, the satisfaction of any debt obliga-
23 tion undertaken pursuant to such program;
24 and

1 “(ii) if such person withdraws 1 or
 2 more vessels from the fishery, the substi-
 3 tution of amounts the person would other-
 4 wise receive under such program for such
 5 person’s vessel or permit to engage in the
 6 fishery; and

7 “(E) the repair, maintenance, or upgrade
 8 of an eligible vessel or its equipment for the
 9 purpose of—

10 “(i) making conservation engineering
 11 changes to reduce bycatch, improve selec-
 12 tivity of fishing gear, or reduce adverse im-
 13 pacts of fishing gear;

14 “(ii) improving vessel safety; or

15 “(iii) acquiring, installing, or upgrad-
 16 ing equipment to improve collection, re-
 17 porting, or accuracy of fishery data.”.

18 **TITLE IV—REAUTHORIZATION**

19 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 4 (16 U.S.C. 1803) is amended—

21 (1) by inserting “(a) FISCAL YEAR
 22 AMOUNTS.—” before “There”;

23 (2) by striking paragraphs (1) through (4) and
 24 inserting the following:

25 “(1) \$415,000,000 for fiscal year 2001;

1 “(2) \$430,000,000 for fiscal year 2002;
 2 “(3) \$445,000,000 for fiscal year 2003;
 3 “(4) \$460,000,000 for fiscal year 2004; and
 4 “(5) \$475,000,000 for fiscal year 2005.”; and
 5 (3) by adding at the end the following:

6 “(b) ALLOCATIONS.—

7 “(1) FISCAL YEAR 2001.—From the amount
 8 authorized for fiscal year 2001, the following
 9 amounts are authorized:

10 “(A) For the Councils established by sec-
 11 tion 302, \$25,000,000.

12 “(B) For activity related to essential fish
 13 habitat under section 305(b), \$20,000,000.

14 “(C) For the buyback program under sec-
 15 tion 312(b), \$20,000,000.

16 “(D) For fishery ecosystem plans under
 17 section 316, \$15,000,000.

18 “(E) For the outreach program under sec-
 19 tion 317, \$10,000,000.

20 “(F) For the Independent Peer Review
 21 Program under section 317(e), \$5,000,000.

22 “(G) For the observer program under sec-
 23 tion 404, \$20,000,000.

24 “(H) For the cooperative research program
 25 under section 408, \$35,000,000.

1 “(I) For the collection of data to meet re-
2 quirements of National Standard No. 8,
3 \$10,000,000.

4 “(2) ANNUAL ADJUSTMENT.—The amounts al-
5 located by paragraph (1) shall each be increased for
6 each of the fiscal years 2002 through 2005 by the
7 same ratio by which amounts authorized by sub-
8 section (a) for each of those years are increased.

9 “(3) FISHERY SURVEY VESSELS; FISHERY IN-
10 FORMATION SYSTEMS.—From the amount author-
11 ized by subsection (a), there shall be allocated—

12 “(A) \$60,000,000 for each of fiscal years
13 2002, 2003, and 2004 for Fishery Research
14 Vessels authorized by section 206; and

15 “(B) \$50,000,000 for each fiscal year for
16 fishery information systems under section
17 401(c).”.

○